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EXAMINER
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Please find below and/or attached an Office communication concerning this application or proceeding.

PTO-90C (Rev. 10/03)

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE *3* MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *02 August 2004*.

2a)☒ This action is **FINAL**.   2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-13* is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-13* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☐ All   b)☐ Some * c)☐ None of:

      1.☐ Certified copies of the priority documents have been received.

      2.☐ Certified copies of the priority documents have been received in Application No. _____.

      3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1)☒ Notice of References Cited (PTO-892)

2)☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3)☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date *11/17/04*.

4)☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.

5)☐ Notice of Informal Patent Application (PTO-152)

6)☐ Other: _____.

DETAILED ACTION

1.   The amendment filed on 02 August 2004 is noted and made of record.

2.   Claims 1-13 have been presented for examination.

Response to Arguments

3.   Applicant's arguments with respect to claims 1-13 have been considered but are moot in view of the new ground(s) of rejection.

4.   See further rejections that follow.

Information Disclosure Statement

5.   The information disclosure statement (IDS) submitted on 17 November 2004 has been considered by the examiner.

Claim Rejections - 35 USC § 103

6.   The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

7.   Claims 1 and 5-13 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent 6,418,421 to Hurtado et al., hereinafter Hurtado, in view of U.S. Patent 5,920,861 to Hall et al., hereinafter Hall, and in further view of U.S. Patent No. 5,515,532 to Iijima, hereinafter Iijima, in view of U.S. Patent No. 6,421,685 to Nishikawa, hereinafter Nishikawa.

8.   As per claim 1, Hurtado discloses a distribution system for recording a copy of content onto a recording medium and supplying the content to a playback apparatus, said distribution system comprising,

a distribution server [i.e. Content Hosting Site] operable to distribute the content via a network (Figure 6 [blocks 103, 111, 601, 608, 609, 623], column 11, lines 31-35, column 14, lines 21-39),

a first receiving apparatus operable to receive the content via the network, said first receiving apparatus comprising

a first receiving unit operable to receive, via the network, a data set [i.e. Metadata SCs] including control information controlling copying of the content [i.e. usage conditions] onto the recording medium, and to hold the received data set (column 12, lines 25-27, column 12, lines 39-46, column 20, lines 60-62); and

a recording unit [i.e. SC Packer Tool] operable to generate authorization information [i.e. secondary usage conditions] showing whether moving the data set to another receiving apparatus is permitted [i.e. copy authorization], and to record the content onto a distribution medium together with corresponding usage rule information including (1) the authorization information, and (2) the control information included in the data set (column 13, lines 6-9, column 21, lines 24-32); and

a second receiving apparatus operable to receive the content via the network, said second receiving apparatus comprising

a second receiving unit operable to receive the data set from said distribution server via the network, and to hold the received data set, (column 21, lines 65 to column 22, line 1)

a data set moving unit operable to read authorization information from the distribution medium, and (a) to move the data set from the distribution medium to said inside of the second

receiving apparatus, and (b) to hold the data set, only when the read authorization information

shows that moving the data set is permitted (column 23, lines 23-36), and

a check-out unit operable to perform check-out [i.e. copy to an external portable device]

when the data set is held by one of said second receiving unit and said data set moving unit [i.e.

the check-out unit and the data set moving unit being integral to the receiving apparatus], to

perform the check-out based on the control information in the held data set by generating a copy

of the content included in the held data set and recording the copy onto the recording medium,

the copy recorded onto the recording medium being supplied to the playback apparatus (column

23, lines 23-36)

wherein said recording unit is further operable to record, into a rule management file

provided in the distribution medium, the content as a plurality of content together with

corresponding plurality of contents usage rule information (column 10, lines 4-10, column 12,

lines 39-42, column 13, lines 6-9, column 23, lines 23-36);

wherein a rule entry that corresponds to the object file containing the entirety of the

content includes corresponding usage rule information and a content identifier for the content

(column 10, lines 4-10, column 12, lines 39-42, column 13, lines 6-9, column 23, lines 23-36).

9.   Hurtado does not disclose that the dataset [i.e. Metadata SC] received at the first

receiving device [i.e. Digital Content Store] includes the Content along with the control

information controlling copying of the Content [i.e. usage conditions].

10.   Hall discloses a system for defining, creating, and manipulating rights management data

structures (column 1, lines 23-24).

11.   Hall teaches the use of a dataset [i.e. Content Container] including Content along with the

control information controlling copying of the Content [i.e. Rules] (Figure 4 [blocks 100, 314,

316).

12.   It would have been obvious to one of ordinary skill in the art at the time of the invention

was made to modify the system of Hurtado with the teachings of Hall to include the Content

along with the control information controlling copying of the Content in the dataset transmitted

to the first receiving unit, since Hall states at column 1, lines 29-31 that such a modification

would provide rights management data structure integrity, flexibility, interoperability, user and

system transparency, and compatibility.

13.   Hurtado and Hall do not disclose wherein said recording unit is further operable to

record, into a rule management file provided in the distribution medium, the content as a

plurality of content together with corresponding plurality of contents usage rule information,

        wherein the entirety of at least one of the plurality of contents is contained in a single

object file, and at least one of the plurality of contents is divided to be contained in a plurality of

object files,

        wherein each object file has an assigned serial number that uniquely identifies the object

file,

        wherein the rule management file contains a plurality of rule entries that are in one-to-one

correspondence with the object files,

        wherein each rule entry has a same serial number as a serial number of a corresponding

object file,

wherein a rule entry that corresponds to the object file containing the entirety of the

content includes corresponding usage rule information and a content identifier for the content,

wherein each of plurality of rules entries that corresponds to an object file containing a

part of the at least one of the plurality of contents, which is divided, includes a content identifier

for the at least one of the plurality of contents, which is divided, and one of the plurality of the

rule entries includes corresponding usage rule information,

wherein the distribution medium has recorded thereon pieces of track information that are

in one-to-one correspondence with the object files,

wherein the track information includes a time search table that shows a plurality of read

addresses specifying data located in a corresponding object file at predetermined time intervals,

and

wherein each part of the divided content has such a length that a corresponding time

search table includes at most a predetermined number of read addresses.

14.   Iijima discloses wherein the entirety of at least one of the plurality of contents is

contained in a single object file, and at least one of the plurality of contents is divided to be

contained in a plurality of object files (column 2, lines 9-41),

wherein the rule management file contains a plurality of rule entries that are in one-to-one

correspondence with the object files (Figure 3 [block 121], column 4, lines 30-63),

wherein each of plurality of rules entries that corresponds to an object file containing a

part of the at least one of the plurality of contents, which is divided, includes a content identifier

for the at least one of the plurality of contents, which is divided, and one of the plurality of the

rule entries includes corresponding usage rule information (column 4, lines 10-29),

wherein the distribution medium has recorded thereon pieces of track information that are

in one-to-one correspondence with the object files (Figure 15, column 12, lines 33-63),

wherein the track information includes a time search table that shows a plurality of read

addresses specifying data located in a corresponding object file at predetermined time intervals

(column 4, lines 20-63, column 7, lines 4-34, column 12, lines 33-62), and

wherein each part of the divided content has such a length that a corresponding time

search table includes at most a predetermined number of read addresses (column 4, lines 20-63,

column 7, lines 4-34, column 12, lines 33-62).

15.   It would have been obvious to one of ordinary skill in the art at the time the invention

was made to disclose wherein the entirety of at least one of the plurality of contents is contained

in a single object file, and at least one of the plurality of contents is divided to be contained in a

plurality of object files, wherein the rule management file contains a plurality of rule entries that

are in one-to-one correspondence with the object files, wherein each of plurality of rules entries

that corresponds to an object file containing a part of the at least one of the plurality of contents,

which is divided, includes a content identifier for the at least one of the plurality of contents,

which is divided, and one of the plurality of the rule entries includes corresponding usage rule

information, wherein the distribution medium has recorded thereon pieces of track information

that are in one-to-one correspondence with the object files, wherein the track information

includes a time search table that shows a plurality of read addresses specifying data located in a

corresponding object file at predetermined time intervals, and wherein each part of the divided

content has such a length that a corresponding time search table includes at most a predetermined

number of read addresses, since Iijima discloses at column 1, line 60 to column 2, line 8 that

such a modification would assure authenticity of fixed information even when variable

information is damaged or destroyed.

16.   Hurtado, Hall, and Iijima do not disclose wherein each object file has an assigned serial

number that uniquely identifies the object file, wherein each rule entry has a same serial number

as a serial number of a corresponding object file.

17.   Nishikawa discloses wherein each object file has an assigned serial number that uniquely

identifies the object file, wherein each rule entry has a same serial number as a serial number of a

corresponding object file (Figure 13 [block F12], column 13, line 56 to column 14, line 9).

18.   It would have been obvious to one of ordinary skill in the art at the time the invention

was made to disclose wherein each object file has an assigned serial number that uniquely

identifies the object file, wherein each rule entry has a same serial number as a serial number of a

corresponding object file, since Nishikawa states at column 2, lines 17-22 that such a

modification would reflect updated data in two file systems by a simple operation when a file has

been updated.

19.   As per claim 5, Hurtado discloses a distribution system including a distribution server for

distributing a content via a network, a first receiving apparatus for receiving the content via the

network and recording the content onto a distribution medium, a second receiving apparatus for

receiving the content via the distribution medium and recording a copy of the content onto a

recording medium, and a playback apparatus for receiving the copy of the content via the

recording medium and playing back the received content, said distributed content comprising:

a volume area [i.e. Secure Container SC], in which usage rule information is recorded,

the usage rule information including control information controlling copying of the recorded

content onto the recording medium, and authorization information [i.e. secondary usage

conditions] showing whether moving the control information and the content to the second

receiving apparatus is permitted (column 10, lines 4-10, column 12, lines 39-42, column 13, lines

6-9, column 23, lines 23-36),

wherein said recording unit is further operable to record, into a rule management file

provided in the distribution medium, the content as a plurality of content together with

corresponding plurality of contents usage rule information (column 10, lines 4-10, column 12,

lines 39-42, column 13, lines 6-9, column 23, lines 23-36);

wherein a rule entry that corresponds to the object file containing the entirety of the

content includes corresponding usage rule information and a content identifier for the content

(column 10, lines 4-10, column 12, lines 39-42, column 13, lines 6-9, column 23, lines 23-36).

20.   Although Hurtado does not explicitly state that a semiconductor memory card is used as a

distribution medium in the distribution system, it does state that the SC is transmitted from the

Digital Content Store to the End User at column 21, lines 31-32. Given that transmission of

digital content using a recorded distribution medium (such as a memory card) is old and well

known in the art, it is reasonable to infer that Hurtado implies the use of recorded distribution

media for the distribution of the SC from a Digital Content Store to an End User station.

21.   Hurtado does not disclose that the volume area comprises Content and usage rules.

22.   Hall discloses a system for defining, creating, and manipulating rights management data

structures (column 1, lines 23-24).

23.   Hall teaches the use of a dataset [i.e. Content Container] including Content along with the

control information controlling copying of the Content [i.e. Rules] (Figure 4 [blocks 100, 314,

316]).

24.   It would have been obvious to one of ordinary skill in the art at the time of the invention

was made to modify the system of Hurtado with the teachings of Hall to include the Content

along with the control information controlling copying of the Content in the dataset transmitted

to the first receiving unit, since Hall states at column 1, lines 29-31 that such a modification

would provide rights management data structure integrity, flexibility, interoperability, user and

system transparency, and compatibility.

25.   Hurtado and Hall do not disclose wherein said recording unit is further operable to

record, into a rule management file provided in the distribution medium, the content as a

plurality of content together with corresponding plurality of contents usage rule information,

       wherein the entirety of at least one of the plurality of contents is contained in a single

object file, and at least one of the plurality of contents is divided to be contained in a plurality of

object files,

       wherein each object file has an assigned serial number that uniquely identifies the object

file,

       wherein the rule management file contains a plurality of rule entries that are in one-to-one

correspondence with the object files,

       wherein each rule entry has a same serial number as a serial number of a corresponding

object file,

wherein a rule entry that corresponds to the object file containing the entirety of the

content includes corresponding usage rule information and a content identifier for the content,

wherein each of plurality of rules entries that corresponds to an object file containing a

part of the at least one of the plurality of contents, which is divided, includes a content identifier

for the at least one of the plurality of contents, which is divided, and one of the plurality of the

rule entries includes corresponding usage rule information,

wherein the distribution medium has recorded thereon pieces of track information that are

in one-to-one correspondence with the object files,

wherein the track information includes a time search table that shows a plurality of read

addresses specifying data located in a corresponding object file at predetermined time intervals,

and

wherein each part of the divided content has such a length that a corresponding time

search table includes at most a predetermined number of read addresses.

26.   Iijima discloses wherein the entirety of at least one of the plurality of contents is

contained in a single object file, and at least one of the plurality of contents is divided to be

contained in a plurality of object files (column 2, lines 9-41),

wherein the rule management file contains a plurality of rule entries that are in one-to-one

correspondence with the object files (Figure 3 [block 121], column 4, lines 30-63),

wherein each of plurality of rules entries that corresponds to an object file containing a

part of the at least one of the plurality of contents, which is divided, includes a content identifier

for the at least one of the plurality of contents, which is divided, and one of the plurality of the

rule entries includes corresponding usage rule information (column 4, lines 10-29),

wherein the distribution medium has recorded thereon pieces of track information that are

in one-to-one correspondence with the object files (Figure 15, column 12, lines 33-63),

wherein the track information includes a time search table that shows a plurality of read

addresses specifying data located in a corresponding object file at predetermined time intervals

(column 4, lines 20-63, column 7, lines 4-34, column 12, lines 33-62), and

wherein each part of the divided content has such a length that a corresponding time

search table includes at most a predetermined number of read addresses (column 4, lines 20-63,

column 7, lines 4-34, column 12, lines 33-62).

27.   It would have been obvious to one of ordinary skill in the art at the time the invention

was made to disclose wherein the entirety of at least one of the plurality of contents is contained

in a single object file, and at least one of the plurality of contents is divided to be contained in a

plurality of object files, wherein the rule management file contains a plurality of rule entries that

are in one-to-one correspondence with the object files, wherein each of plurality of rules entries

that corresponds to an object file containing a part of the at least one of the plurality of contents,

which is divided, includes a content identifier for the at least one of the plurality of contents,

which is divided, and one of the plurality of the rule entries includes corresponding usage rule

information, wherein the distribution medium has recorded thereon pieces of track information

that are in one-to-one correspondence with the object files, wherein the track information

includes a time search table that shows a plurality of read addresses specifying data located in a

corresponding object file at predetermined time intervals, and wherein each part of the divided

content has such a length that a corresponding time search table includes at most a predetermined

number of read addresses, since Iijima discloses at column 1, line 60 to column 2, line 8 that

such a modification would assure authenticity of fixed information even when variable

information is damaged or destroyed.

28.   Hurtado, Hall, and Iijima do not disclose wherein each object file has an assigned serial

number that uniquely identifies the object file, wherein each rule entry has a same serial number

as a serial number of a corresponding object file.

29.   Nishikawa discloses wherein each object file has an assigned serial number that uniquely

identifies the object file, wherein each rule entry has a same serial number as a serial number of a

corresponding object file (Figure 13 [block F12], column 13, line 56 to column 14, line 9).

30.   It would have been obvious to one of ordinary skill in the art at the time the invention

was made to disclose wherein each object file has an assigned serial number that uniquely

identifies the object file, wherein each rule entry has a same serial number as a serial number of a

corresponding object file, since Nishikawa states at column 2, lines 17-22 that such a

modification would reflect updated data in two file systems by a simple operation when a file has

been updated.

31.   As per claims 8, 10 and 12, Hurtado teaches a first receiving apparatus in a distribution

system, the distribution system including a distribution server for distributing a content via a

network, a first receiving apparatus for receiving the content via the network and recording the

content onto a distribution medium, a second receiving apparatus for receiving the content via

the distribution medium and recording a copy of the content onto a recording medium, and a

playback apparatus for receiving the copy of the content via the recording medium and playing

back the received content, and the first receiving apparatus comprising:

a first receiving unit operable to receive via the network a data set [i.e. Metadata SCs] including the content and control information controlling copying of the content [i.e. usage conditions] onto the recording medium, and hold the received data set (column 12, lines 25-27, column 12, lines 39-46, column 20, lines 60-62); and

a recording unit [i.e. SC Packer Tool] operable to generate authorization information [i.e. secondary usage conditions] showing whether moving the data set to another receiving apparatus is permitted [i.e. copy authorization], and record the content onto a distribution medium together with corresponding usage rule information including (1) the authorization information, and (2)the control information included in the data set (column 13, lines 6-9, column 21, lines 1-10, column 21, lines 24-32),

wherein said recording unit is further operable to record, into a rule management file provided in the distribution medium, the content as a plurality of content together with corresponding plurality of contents usage rule information (column 10, lines 4-10, column 12, lines 39-42, column 13, lines 6-9, column 23, lines 23-36);

wherein a rule entry that corresponds to the object file containing the entirety of the content includes corresponding usage rule information and a content identifier for the content (column 10, lines 4-10, column 12, lines 39-42, column 13, lines 6-9, column 23, lines 23-36).

31.   Although Hurtado does not explicitly state that the content is recorded onto a distribution medium, it does state that the SC is transmitted from the Digital Content Store to the End User (column 21, lines 31-32). Given that transmission of digital content using a recorded distribution medium is old and well known in the art, it is reasonable to infer that Hurtado implies the use of

recorded distribution media for the distribution of the SC from a Digital Content Store to an End
User station.

32.   Hurtado does not disclose that the dataset [i.e. Metadata SC] received at the first
receiving device [i.e. Digital Content Store] includes the Content along with the control
information controlling copying of the Content [i.e. usage conditions].

33.   Hall discloses a system for defining, creating, and manipulating rights management data
structures (column 1, lines 23-24).

34.   Hall teaches the use of a dataset [i.e. Content Container] including Content along with the
control information controlling copying of the Content [i.e. Rules] (Figure 4 [blocks 100, 314,
316]).

35.   It would have been obvious to one of ordinary skill in the art at the time of the invention
was made to modify the system of Hurtado with the teachings of Hall to include the Content
along with the control information controlling copying of the Content in the dataset transmitted
to the first receiving unit, since Hall states at column 1, lines 29-31 that such a modification
would provide rights management data structure integrity, flexibility, interoperability, user and
system transparency, and compatibility.

36.   Hurtado and Hall do not disclose wherein said recording unit is further operable to
record, into a rule management file provided in the distribution medium, the content as a
plurality of content together with corresponding plurality of contents usage rule information,

        wherein the entirety of at least one of the plurality of contents is contained in a single
object file, and at least one of the plurality of contents is divided to be contained in a plurality of
object files,

wherein each object file has an assigned serial number that uniquely identifies the object

file,

wherein the rule management file contains a plurality of rule entries that are in one-to-one

correspondence with the object files,

wherein each rule entry has a same serial number as a serial number of a corresponding

object file,

wherein a rule entry that corresponds to the object file containing the entirety of the

content includes corresponding usage rule information and a content identifier for the content,

wherein each of plurality of rules entries that corresponds to an object file containing a

part of the at least one of the plurality of contents, which is divided, includes a content identifier

for the at least one of the plurality of contents, which is divided, and one of the plurality of the

rule entries includes corresponding usage rule information,

wherein the distribution medium has recorded thereon pieces of track information that are

in one-to-one correspondence with the object files,

wherein the track information includes a time search table that shows a plurality of read

addresses specifying data located in a corresponding object file at predetermined time intervals,

and

wherein each part of the divided content has such a length that a corresponding time

search table includes at most a predetermined number of read addresses.

37.   Iijima discloses wherein the entirety of at least one of the plurality of contents is

contained in a single object file, and at least one of the plurality of contents is divided to be

contained in a plurality of object files (column 2, lines 9-41),

wherein the rule management file contains a plurality of rule entries that are in one-to-one correspondence with the object files (Figure 3 [block 121], column 4, lines 30-63),

wherein each of plurality of rules entries that corresponds to an object file containing a part of the at least one of the plurality of contents, which is divided, includes a content identifier for the at least one of the plurality of contents, which is divided, and one of the plurality of the rule entries includes corresponding usage rule information (column 4, lines 10-29),

wherein the distribution medium has recorded thereon pieces of track information that are in one-to-one correspondence with the object files (Figure 15, column 12, lines 33-63),

wherein the track information includes a time search table that shows a plurality of read addresses specifying data located in a corresponding object file at predetermined time intervals (column 4, lines 20-63, column 7, lines 4-34, column 12, lines 33-62), and

wherein each part of the divided content has such a length that a corresponding time search table includes at most a predetermined number of read addresses (column 4, lines 20-63, column 7, lines 4-34, column 12, lines 33-62).

38.   It would have been obvious to one of ordinary skill in the art at the time the invention was made to disclose wherein the entirety of at least one of the plurality of contents is contained in a single object file, and at least one of the plurality of contents is divided to be contained in a plurality of object files, wherein the rule management file contains a plurality of rule entries that are in one-to-one correspondence with the object files, wherein each of plurality of rules entries that corresponds to an object file containing a part of the at least one of the plurality of contents, which is divided, includes a content identifier for the at least one of the plurality of contents, which is divided, and one of the plurality of the rule entries includes corresponding usage rule

information, wherein the distribution medium has recorded thereon pieces of track information that are in one-to-one correspondence with the object files, wherein the track information includes a time search table that shows a plurality of read addresses specifying data located in a corresponding object file at predetermined time intervals, and wherein each part of the divided content has such a length that a corresponding time search table includes at most a predetermined number of read addresses, since Iijima discloses at column 1, line 60 to column 2, line 8 that such a modification would assure authenticity of fixed information even when variable information is damaged or destroyed.

39.   Hurtado, Hall, and Iijima do not disclose wherein each object file has an assigned serial number that uniquely identifies the object file, wherein each rule entry has a same serial number as a serial number of a corresponding object file.

40.   Nishikawa discloses wherein each object file has an assigned serial number that uniquely identifies the object file, wherein each rule entry has a same serial number as a serial number of a corresponding object file (Figure 13 [block F12], column 13, line 56 to column 14, line 9).

41.   It would have been obvious to one of ordinary skill in the art at the time the invention was made to disclose wherein each object file has an assigned serial number that uniquely identifies the object file, wherein each rule entry has a same serial number as a serial number of a corresponding object file, since Nishikawa states at column 2, lines 17-22 that such a modification would reflect updated data in two file systems by a simple operation when a file has been updated.

42.   As per claims 9, 11 and 13, Hurtado discloses a receiving apparatus for receiving

contents from a distribution server via the network, as well as receiving contents via a

distribution medium, and recording copies of a received content onto a recording medium, the

distribution medium storing contents and corresponding usage rule information, and the usage

rule information including control information controlling copying of a recorded content onto the

recording medium, and authorization information showing whether moving a data set including a

paired content and control information to the receiving apparatus is permitted, and said receiving

apparatus comprising:

            a receiving unit operable to receive the data set from the distribution server via the

network, and hold the received data set (column 21, lines 65 through column 22, line 1);

            a data set moving unit operable to read authorization information from the distribution

medium, and (a) move the data set from the distribution medium to the inside of the second

receiving apparatus [i.e. make a secondary copy], and (b) hold the data set, only when the read

authorization information shows that moving the data set is permitted (column 23, lines 23-36);

and

            a check-out unit operable to perform check-out (i.e. copy to an external portable device)

when the data set is held by one of the second receiving unit and the data set moving unit, check-

out performed based on the control information in the held dataset by generating a copy of the

content included in the held data set and recording the copy onto the recording medium (column

23, lines 23-36), the copy recorded onto the recording medium being supplied to the playback

apparatus,

wherein said recording unit is further operable to record, into a rule management file

provided in the distribution medium, the content as a plurality of content together with

corresponding plurality of contents usage rule information (column 10, lines 4-10, column 12,

lines 39-42, column 13, lines 6-9, column 23, lines 23-36);

wherein a rule entry that corresponds to the object file containing the entirety of the

content includes corresponding usage rule information and a content identifier for the content

(column 10, lines 4-10, column 12, lines 39-42, column 13, lines 6-9, column 23, lines 23-36).

43.   Hurtado and Hall do not disclose wherein said recording unit is further operable to

record, into a rule management file provided in the distribution medium, the content as a

plurality of content together with corresponding plurality of contents usage rule information,

wherein the entirety of at least one of the plurality of contents is contained in a single

object file, and at least one of the plurality of contents is divided to be contained in a plurality of

object files,

wherein each object file has an assigned serial number that uniquely identifies the object

file,

wherein the rule management file contains a plurality of rule entries that are in one-to-one

correspondence with the object files,

wherein each rule entry has a same serial number as a serial number of a corresponding

object file,

wherein a rule entry that corresponds to the object file containing the entirety of the

content includes corresponding usage rule information and a content identifier for the content,

wherein each of plurality of rules entries that corresponds to an object file containing a part of the at least one of the plurality of contents, which is divided, includes a content identifier for the at least one of the plurality of contents, which is divided, and one of the plurality of the rule entries includes corresponding usage rule information,

wherein the distribution medium has recorded thereon pieces of track information that are in one-to-one correspondence with the object files,

wherein the track information includes a time search table that shows a plurality of read addresses specifying data located in a corresponding object file at predetermined time intervals, and

wherein each part of the divided content has such a length that a corresponding time search table includes at most a predetermined number of read addresses.

44.   Iijima discloses wherein the entirety of at least one of the plurality of contents is contained in a single object file, and at least one of the plurality of contents is divided to be contained in a plurality of object files (column 2, lines 9-41),

wherein the rule management file contains a plurality of rule entries that are in one-to-one correspondence with the object files (Figure 3 [block 121], column 4, lines 30-63),

wherein each of plurality of rules entries that corresponds to an object file containing a part of the at least one of the plurality of contents, which is divided, includes a content identifier for the at least one of the plurality of contents, which is divided, and one of the plurality of the rule entries includes corresponding usage rule information (column 4, lines 10-29),

wherein the distribution medium has recorded thereon pieces of track information that are in one-to-one correspondence with the object files (Figure 15, column 12, lines 33-63),

wherein the track information includes a time search table that shows a plurality of read

addresses specifying data located in a corresponding object file at predetermined time intervals

(column 4, lines 20-63, column 7, lines 4-34, column 12, lines 33-62), and

wherein each part of the divided content has such a length that a corresponding time

search table includes at most a predetermined number of read addresses (column 4, lines 20-63,

column 7, lines 4-34, column 12, lines 33-62).

45.   It would have been obvious to one of ordinary skill in the art at the time the invention

was made to disclose wherein the entirety of at least one of the plurality of contents is contained

in a single object file, and at least one of the plurality of contents is divided to be contained in a

plurality of object files, wherein the rule management file contains a plurality of rule entries that

are in one-to-one correspondence with the object files, wherein each of plurality of rules entries

that corresponds to an object file containing a part of the at least one of the plurality of contents,

which is divided, includes a content identifier for the at least one of the plurality of contents,

which is divided, and one of the plurality of the rule entries includes corresponding usage rule

information, wherein the distribution medium has recorded thereon pieces of track information

that are in one-to-one correspondence with the object files, wherein the track information

includes a time search table that shows a plurality of read addresses specifying data located in a

corresponding object file at predetermined time intervals, and wherein each part of the divided

content has such a length that a corresponding time search table includes at most a predetermined

number of read addresses, since Iijima discloses at column 1, line 60 to column 2, line 8 that

such a modification would assure authenticity of fixed information even when variable

information is damaged or destroyed.

46.   Hurtado, Hall, and Iijima do not disclose wherein each object file has an assigned serial

number that uniquely identifies the object file, wherein each rule entry has a same serial number

as a serial number of a corresponding object file.

47.   Nishikawa discloses wherein each object file has an assigned serial number that uniquely

identifies the object file, wherein each rule entry has a same serial number as a serial number of a

corresponding object file (Figure 13 [block F12], column 13, line 56 to column 14, line 9).

48.   It would have been obvious to one of ordinary skill in the art at the time the invention

was made to disclose wherein each object file has an assigned serial number that uniquely

identifies the object file, wherein each rule entry has a same serial number as a serial number of a

corresponding object file, since Nishikawa states at column 2, lines 17-22 that such a

modification would reflect updated data in two file systems by a simple operation when a file has

been updated.

49.   Claims 2-4 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hurtado in

view of Hall and in further view of Iijima and Nishikawa as applied to claim 1 above, in further

view of U.S. Patent 5,790,664 to Coley et al., hereinafter Coley and Bendert et al. (U.S. Patent

5,761,678 and Bendert hereinafter).

50.   In regards to claim 2, the combination of Hurtado, Hall, Iijima, and Nishikawa teaches

claim 1 as discussed above.

51.   Hurtado also teaches

        wherein the control information indicates a number of remaining check-outs (column 10,

lines 31-33),

wherein said check-out unit includes a connecting unit operable to connect to a recording

medium, and is operable to record a copy of the content included in the data set held by said data

set moving unit onto the recording medium, and the number of remaining check-out shown by

the control information held by one of said second receiving unit and said data set moving unit is

at least one (column 10, lines 42-45, column 14, lines 31-39), and

wherein the second receiving apparatus further comprises

an updating unit operable to update the control information of the held content by

decrementing the number of remaining check-outs when a copy of the held content is newly

recorded on the recording medium (column 10, lines 38-42).

52.   The combination of Hurtado, Hall, Iijima, and Nishikawa does not teach:

a check-in unit operable to delete, when a copy of the content is already recorded on the

connected recording medium, the copy of the content recorded on the connected recording

medium; and to increment the number of remaining check-outs when the copy of the held

content is deleted from the recording medium.

that the check-out unit is operable to record a copy of the content when a copy of the held

content is not already recorded on the connected recording medium,

53.   Coley teaches a system for automated monitoring and management of licensed software

(column 1, lines 6-7).

54.   Coley teaches a check-in unit operable to delete, when a copy of the content is already

recorded on the connected recording medium, the copy of the content recorded on the connected

recording medium (column 16, lines 20-38); and to increment the number of remaining check-

outs when the copy of the held content is deleted from the recording medium (column 13, lines

63-64).

55.   It would have been obvious to one of ordinary skill in the art at the time of the invention

to modify the system of Hurtado, Hall, Iijima, and Nishikawa with the teachings of Coley to

include a check-in unit operable to delete, when a copy of the content is already recorded on the

connected recording medium, the copy of the content recorded on the connected recording

medium; and to increment the number of remaining check-outs when the copy of the held

content is deleted from the recording medium, since Coley states at column 7, lines 6-17 that

such a modification would ensure that the use of software (i.e. content) could be tracked.

56.   Bendert teaches a computer system that minimizes the amount of data that must be

copied to support a request to clone a group of objects (column 1, lines 7-10)

57.   Bendert discloses the use of a check-out unit (i.e. clone manager) operable to record a

copy of the content (i.e. metadata for object 102) when a copy of the content is not already

recorded on the recording medium (i.e. storage area 100') (column 9, lines 32-37).

58.   It would have been obvious to one of ordinary skill in the art at the time of the invention

to modify the system of Hurtado, Hall, Iijima, Nishikawa, and Coley with the teachings of

Bendert to include that the check-out unit is operable to record a copy of the content when a copy

of the held content is not already recorded on the connected recording medium, since Bendert

states at column 2, lines 40-41 that such a modification would minimize the amount of data and

metadata that are copied and hence speed up the system.

59.   In regards to claim 3, the combination of Hurtado, Hall, Coley and Bendert teaches the

system of claim 2 as discussed above.

60.   Hurtado also teaches wherein:

wherein said check-out unit includes

an allocation unit operable to allocate a unique content identifier to the held content, the

unique content identifier being recorded onto the recording medium with the content, when

check-out is performed (column 27, lines 30), and

61.   Hurtado does not teach:

that the recording medium has an assigned unique identifier;

that the check-out unit includes a storage unit operable to read the unique identifier for

the recording medium connected to the connecting unit from the recording medium, and store the

read recording medium identifier as a pair with the allocated content identifier, and

that the check-in unit includes:

a read unit operable to read, when a copy of the content has already been recorded on a

recording medium connected to the connecting unit, the unique identifiers for the connected

recording medium and the content;

a comparing unit operable to compare the pair of identifiers read by the read unit with the

pair of identifiers stored by the storage unit to determine whether the copy recorded on the

connected recording medium was previously produced by the second recording apparatus;

a holding unit operable to read, when the copy was previously produced by the second

recording apparatus, the copy from the connected recording medium, hold the read copy, and

then delete the copy from the recording medium.

62.   Coley teaches:

that the recording medium [i.e. computer containing the client application] has an

assigned unique identifier (column 14, lines 23-24);

that the check-out unit includes a storage unit [i.e. check-out license procedure] operable

to read the unique identifier for the recording medium connected to the connecting unit from the

recording medium, and store [i.e. generate a client data structure] the read recording medium

identifier as a pair with the allocated content identifier [i.e. name of the software application]

(column 14, line 13-27)

that the check-in unit includes:

a read unit operable to read, when a copy of the content has already been recorded on a

recording medium connected to the connecting unit, the unique identifiers for the connected

recording medium and the content (column 16, lines 20-26);

a comparing unit operable to compare the pair of identifiers read by the read unit with the

pair of identifiers stored by the storage unit to determine whether the copy [i.e. license] recorded

on the connected recording medium [i.e. computer] was previously produced by the second

recording apparatus (column 4, lines 30-32);

a holding unit [i.e. check in license procedure] operable to read, when the copy was

previously produced by the second recording apparatus, the copy from the connected recording

medium, hold the read copy, and then delete the copy from the recording medium (column 16,

lines 26-38).

63.   It would have been obvious to one of ordinary skill in the art at the time of the invention

to modify the combination of Hurtado, Hall, Coley and Bendert with the teachings of Coley to

include:

        that the recording medium has an assigned unique identifier;

        that the check-out unit includes a storage unit operable to read the unique identifier for

the recording medium connected to the connecting unit from the recording medium, and store the

read recording medium identifier as a pair with the allocated content identifier, and

        that the check-in unit includes:

        a read unit operable to read, when a copy of the content has already been recorded on a

recording medium connected to the connecting unit, the unique identifiers for the connected

recording medium and the content;

        a comparing unit operable to compare the pair of identifiers read by the read unit with the

pair of identifiers stored by the storage unit to determine whether the copy recorded on the

connected recording medium was previously produced by the second recording apparatus;

        a holding unit operable to read, when the copy was previously produced by the second

recording apparatus, the copy from the connected recording medium, hold the read copy, and

then delete the copy from the recording medium, since Coley states at column 7, lines 16-17 that

such a modification would ensure that the use of software (i.e. content) can be tracked.

64.   In regards to claim 4, Hurtado discloses wherein, when the authorization information

recorded on the distribution medium shows that moving a corresponding data set is not

permitted, the reading unit is not operable to read the content and the usage rule information, and

wherein the playback apparatus plays back the corresponding content directly from the

distribution medium, when the authorization information indicates that moving a corresponding

data set is not permitted (column 23, lines 43-48). In other words, Hurtado discloses the

enforcement of "play allowed/copy not allowed" rules.

65.   Claims 6-7 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hurtado in

view of Hall in view of Iijima and Nishikawa as applied to claim 5 above, in further view of U.S.

Publication No. 2001/0042043 to Shear et al., hereinafter Shear.

66.   In regards to claim 6, the combination of Hurtado, Hall, Iijima, and Nishikawa teaches

claim 5 as discussed above.

67.   Hurtado also teaches wherein each of the plurality of contents includes encrypted audio

data and a corresponding encryption key used to encrypt the encrypted audio data (column 12,

lines 29-42).

68.   Iijima discloses wherein the track information shows an attribute indicating whether the

encrypted audio data in a corresponding object file constitutes an entire track, a start part of a

track, a middle part of a track, or an end part of a track (column 4, lines 20-63, column 7, lines 4-

34, column 12, lines 33-62).

69.   The combination of Hurtado, Hall, Iijima, and Nishikawa does not teach that the volume

area includes:

a user data area that stores (1) the object file containing entirety of encrypted audio data

included in a corresponding content and (2) the plurality of object files each containing a part of

encrypted audio data, the part of the encrypted audio data together constitute entirety of

encrypted audio data included in a corresponding content, and that can be accessed by a device

connected to the semiconductor memory card regardless of whether the authenticity of the device

has been recognized, and

a protected area that stores the rules management file containing the usage rule

information and the encryption keys and can only be accessed by a device connected to the

semiconductor memory card when the authenticity of the device has been recognized,

70.   Shear teaches that the volume area (figure 5, item 100) includes:

a user data area that stores (1) the object file containing entirety of encrypted audio data

included in a corresponding content and (2) the plurality of object files each containing a part of

encrypted audio data, the part of the encrypted audio data together constitute entirety of

encrypted audio data included in a corresponding content, and that can be accessed by a device

connected to the semiconductor memory card regardless of whether the authenticity of the device

has been recognized (Figure 5 [block 200(1)], and

a protected area that stores the rules management file containing the usage rule

information and the encryption keys and can only be accessed by a device connected to the

semiconductor memory card when the authenticity of the device has been recognized (Figure 5

[blocks 204, 208], page 11, par. [0168], i.e. in some embodiments, dedicated player 52 may send

protected content only to devices authenticated as able to enforce securely rights management

rules and usage consequences),

71.   It would have been obvious to one of ordinary skill in the art at the time of the invention

to modify the system of Hurtado, Hall, Iijima, and Nishikawa with the teachings of Shear to

include a user data area that stores (1) the object file containing entirety of encrypted audio data

included in a corresponding content and (2) the plurality of object files each containing a part of

encrypted audio data, the part of the encrypted audio data together constitute entirety of

encrypted audio data included in a corresponding content, and that can be accessed by a device

connected to the semiconductor memory card regardless of whether the authenticity of the device

has been recognized, and

       a protected area that stores the rules management file containing the usage rule

information and the encryption keys and can only be accessed by a device connected to the

semiconductor memory card when the authenticity of the device has been recognized, since

Shear states at page 11, paragraph 0168 that such a modification would use the content provided

by the volume in a variety of flexible and secure ways.

72.   In regards to claim 7, Hurtado teaches wherein the authorization information shows that

moving a corresponding content and control information is permitted by indicating a number of

permitted moves (column 10, lines 31-33, column 23, lines 23-36).

Conclusion

73.   The prior art made of record and not relied upon is considered pertinent to applicant's

disclosure.

74.   The following patents are cited to further show the state of the art with respect to file

management systems, such as:

       United States Patent No. 6,567,915 to Guthery, which is cited to show identity

authentication table and authorization tables defining access rights base on Boolean expression

of authenticated identities.

United States Patent No. 5,608,902 to Iijima, which is cited to show file management system for memory card.

United States Patent No. 5,845,069 to Tanaka, which is cited to show protecting data stored in its memory by interrupting an existing transaction after a predetermined permissible number of accesses.

75.   Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

76.   A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

77.   Any inquiry concerning this communication or earlier communications from the examiner should be directed to Christian La Forgia whose telephone number is (571) 272-3792. The examiner can normally be reached on Monday thru Thursday 7-5.

78.   If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ayaz Sheikh can be reached on (571) 272-3795. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

79.   Information regarding the status of an application may be obtained from the Patent

Application Information Retrieval (PAIR) system. Status information for published applications

may be obtained from either Private PAIR or Public PAIR. Status information for unpublished

applications is available through Private PAIR only. For more information about the PAIR

system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR

system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

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clf

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PRIMARY EXAMINER